

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 431 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 energy and the environment.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 8-1-31 IS ADDED TO THE INDIANA CODE AS
- 7 A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
- 8 **FEBRUARY 21, 2000 (RETROACTIVE)]:**
- 9 **Chapter 31. Merchant Power Plants**
- 10 **Sec. 1. The definitions in IC 8-1-2-1 apply throughout this**
- 11 **chapter.**
- 12 **Sec. 2. As used in this chapter, "department" refers to the**
- 13 **department of environmental management established by**
- 14 **IC 13-13-1-1.**
- 15 **Sec. 3. As used in this chapter, "merchant power plant" means**
- 16 **a generating facility that produces electricity to be sold solely or**
- 17 **primarily to the wholesale electricity market.**
- 18 **Sec. 4. A merchant power plant may not be constructed or**
- 19 **operated in Indiana unless all of the following apply:**
- 20 **(1) All of the following have approved construction and**
- 21 **operation of the merchant power plant:**
- 22 **(A) The county executive of the county in which the**
- 23 **merchant power plant is proposed to be located.**
- 24 **(B) The fiscal body of the county in which the merchant**

power plant is proposed to be located.

(C) If the merchant power plant is proposed to be located in a municipality, the municipality's legislative body.

(2) Construction and operation of the merchant power plant have received all building and zoning approvals required by the county or municipality in which the merchant power plant is proposed to be located.

(3) The commission has approved construction and operation of the merchant power plant.

(4) The department has issued all necessary environmental permits for construction and operation of the merchant power plant.

(5) A common construction wage is set for construction of the merchant power plant under the procedures described in IC 5-16-7.

Sec. 5. Construction and operation of a merchant power plant is subject to local building and zoning ordinances.

Sec. 6. The commission and the department may not approve, or grant permits for, the operation and construction of a merchant power plant before the requirements of section 4(1) and 4(2) of this chapter have been satisfied.

Sec. 7. For purposes of implementing IC 5-16-7 in the construction of a merchant power plant under this chapter, the following apply:

(1) "Common construction wage" has the meaning set forth in IC 5-16-7-4(1).

(2) The committee required to determine the common construction wage shall be appointed as provided in IC 5-16-7-1(b), except as follows:

(A) The owner of the proposed merchant power plant shall appoint a member of the committee to serve under IC 5-16-7-1(b)(2).

(B) If the merchant power plant is proposed to be located in a municipality, the legislative body of the municipality shall appoint a taxpayer of the municipality to serve as the member of the committee under IC 5-16-7-1(b)(4). If the merchant power plant is not proposed to be located in a municipality, the county fiscal body shall appoint a taxpayer of the county in which the merchant power plant is proposed to be located to serve as the member of the committee under IC 5-16-7-1(b)(4).

(C) The county executive of the county in which the merchant power plant is proposed to be located shall appoint a taxpayer of the county to serve as the member of the committee under IC 5-16-7-1(b)(5).

(3) IC 5-16-7-1(c), IC 5-16-7-1(d), and IC 5-16-7-1(h) apply to setting a common construction wage under this chapter.

1 (4) The common construction wage must be filed with the
2 county executive of the county in which the merchant power
3 plant is proposed to be constructed not later than two (2)
4 weeks before any contracts for construction of the merchant
5 power plant are awarded.

6 (5) IC 5-16-7-2 applies to construction of a merchant power
7 plant under this chapter. Notwithstanding IC 5-16-7-2, a
8 contractor on a merchant power plant construction project
9 shall file the wage schedule required by IC 5-16-7-2 with the
10 county executive of the county in which the merchant power
11 plant is being constructed.

12 (6) A contractor or subcontractor who knowingly fails to pay
13 the common construction wages determined by the committee
14 under this chapter commits a Class B misdemeanor."

15 Page 1, line 6, delete "stormwater" and insert "**storm water**".

16 Renumber all SECTIONS consecutively.

(Reference is to ESB 431 as printed February 17, 2000.)

Representative Liggett